

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NAVREET AULAKH,

Plaintiff,

v.

CRANE WORLDWIDE LOGISTICS, LLC,

Defendant.

Case No. 2:24-cv-01151-TLF

ORDER

Presently before the Court is Plaintiff's motion to amend her complaint (Dkt. 18). Plaintiff seeks to amend her complaint to add a cause of action for violation of the Silenced No More Act (RCW 49.44.211). Plaintiff's original complaint alleges, in part, that Defendant wrongfully terminated her employment after she revealed she was pregnant. Dkt. 1-2.

Federal Rule of Civil Procedure 15(a)(2) provides "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). The Ninth Circuit has instructed that federal courts balance five factors when considering a motion to amend: (1) bad faith; (2) undue delay; (3) prejudice to the opposing party; (4) the possible futility of the proposed amendment; and (5) whether Plaintiff has previously amended their complaint. *Desertrain v. City of Los Angeles*, 754 F.3d 1147, 1154 (9th Cir. 2014).

1 Defendant filed an opposition to Plaintiff's motion claiming that this amendment is
2 futile. Defendant offers an analysis of the Silenced No More Act in comparison to the
3 severance agreement (and specifically, the non-disparagement provision) that Plaintiff
4 was provided when she was terminated from her employment. Dkt. 18. Plaintiff, in her
5 reply brief, offers a different interpretation of the severance agreement. Dkt. 20.

6 The Court must balance factors, including futility, when considering a motion to
7 amend. There is no evidence that Plaintiff's motion was brought in bad faith, was unduly
8 delayed, or prejudicial to Defendants. *See Desertrain*, 754 F.3d at 1154. Further, this is
9 Plaintiff's first motion for leave to amend her complaint. Finally, with respect to futility, at
10 this stage, the Court cannot determine that no set of facts could support Plaintiff's claim
11 for violation of the Silenced No More Act.

12 Accordingly, Plaintiff's motion to amend her complaint (Dkt. 16) is GRANTED.

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14 Dated this 5th day of February, 2025.

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17 Theresa L. Fricke
18 Theresa L. Fricke
19 United States Magistrate Judge
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